

Message Text

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TO AMEMBASSY MANILA IMMEDIATE

C O N F I D E N T I A L STATE 244408

FOR EA ONLY

E.O. 12065:GDS 9/14/85 (STRAUB, ALICE K.)

TAGS: SHUM, RP

SUBJECT: (C) 1979 HUMAN RIGHTS REPORT

1. (C) ENTIRE TEXT.
2. THIS CABLE TRANSMITS EA/PHL DRAFT OF 1979 HUMAN RIGHTS REPORT. EMBASSY SHOULD MAKE ANY CHANGES IN TEXT NECESSARY TO BRING DRAFT INTO LINE WITH ITS ASSESSMENT OF PHILIPPINE HUMAN RIGHTS SITUATION. SUGGEST IT ALSO SEEK AID MISSION COMMENTS ON PART 2 REGARDING GOP'S PERFORMANCE IN MEETING VITAL NEEDS OF POPULATION.
3. EMBASSY TEXT MUST BE TRANSMITTED TO DEPARTMENT BY OCTOBER 1. BUREAU OF HUMANITARIAN AFFAIRS WILL REVIEW DRAFT AND PROVIDE INITIAL REACTIONS TO EA/PHL BY OCTOBER 15. AT THAT TIME, WE WILL BEGIN OBTAINING OTHER BUREAU CONFIDENTIAL

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CLEARANCES. CLEARED TEXT MUST BE RETURNED TO HA BY NOVEMBER 15, AND FINAL VERSION OF REPORT IS DUE IN DEPUTY SECRETARY'S OFFICE ON DECEMBER 1.

BEGIN TEXT

THE PHILIPPINES HAS BEEN GOVERNED UNDER MARTIAL LAW SINCE 1972. PRESIDENT FERDINAND E. MARCOS HAS VIRTUALLY UNRESTRAINED EXECUTIVE AUTHORITY. AN INTERIM LEGISLATIVE ASSEMBLY WAS CONVENED IN 1978, AS PART OF A TRANSITION

TO A PARLIAMENTARY SYSTEM PROVIDED FOR IN THE 1973 CONSTITUTION. THE ELECTIONS TO THE ASSEMBLY, HOWEVER, WERE MARRED BY FRAUD, AND THE ROLE OF THE ASSEMBLY IS MARGINAL.

ALTHOUGH MARTIAL LAW GREATLY RESTRICTS POLITICAL AND CIVIL RIGHTS, THE TREND IS ONE OF HALTING LIBERALIZATION. FILIPINOS GENERALLY EXERCISE THEIR CIVIL RIGHTS TO A MUCH GREATER DEGREE THAN WAS PERMITTED IN THE EARLY MARTIAL LAW PERIOD. THE GOVERNMENT HAS AMELIORATED HUMAN RIGHTS ABUSES IN MANILA AND IN 1979 TOOK FURTHER STEPS TO CORRECT MILITARY ABUSES, INCLUDING TORTURE AND MURDER, OF CIVILIANS IN OUTLYING AREAS. A LARGE NUMBER OF PERSONS, INCLUDING AT LEAST SEVERAL HUNDRED POLITICAL PRISONERS, ARE STILL IN DETENTION.

IMPROVEMENTS IN HUMAN RIGHTS ARE HAMPERED BY TWO INSURGENCIES. THE INSURGENCIES, LED BY MAOIST GUERRILLAS IN SEVERAL PARTS OF THE COUNTRY AND BY MUSLIM SECESSIONISTS IN THE SOUTH, HAVE COST THE GOVERNMENT 12,000 CASUALTIES SINCE 1972. THE INTENSITY OF THE FIGHTING HAS LED TO ABUSES BY BOTH SIDES AND LIMITED GOVERNMENT CONTROL OVER MILITARY BEHAVIOR IN THE FIELD. THERE IS NO PROSPECT OF CONFIDENTIAL

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AN END TO THE FIGHTING.

EFFORTS TO MEET BASIC HUMAN NEEDS ARE HAMPERED BY A FALTERING ECONOMY, MARKED BY WIDELY DISPARATE INCOME LEVELS AND RURAL POVERTY. ENERGY INFLATION HAS HURT THE PHILIPPINES PARTICULARLY BADLY. NEVERTHELESS THE GOVERNMENT HAS GIVEN HIGH PRIORITY TO IMPROVING CONDITIONS IN THE RURAL AREAS. ITS PROGRAMS IN THE AREAS OF FOOD, HEALTH AND EDUCATION HAVE HAD FAVORABLE RESULTS BUT NEEDS ARE STILL VERY GREAT.

1. RESPECT OF THE INTEGRITY OF THE PERSON, INCLUDING
- FREEDOM FROM:

- A. TORTURE

USE OF TORTURE VIOLATES OFFICIAL PHILIPPINE GOVERNMENT POLICY WHICH IS "UNCONDITIONALLY AGAINST MALTREATMENT OF DETAINEES." OFFICIALS STATE THAT TORTURE INCIDENTS UNDER MARTIAL LAW OCCURRED AS ISOLATED ACTS OF VIOLENCE BY POORLY DISCIPLINED MILITARY PERSONNEL. FACT-FINDING

MISSIONS BY AMNESTY INTERNATIONAL IN 1975 AND THE INTERNATIONAL COMMISSION OF JURISTS (ICJ) IN 1977 NOTED NUMEROUS REPORTS OF TORTURE OF POLITICAL DETAINEES, LARGELY BY SPECIAL SECURITY UNITS DURING INTERROGATION. GOVERNMENT MEASURES TO PREVENT TORTURE HAVE INCLUDED:

INVESTIGATIONS OF TORTURE ALLEGATIONS, COURTS MARTIAL AND OTHER DISCIPLINARY ACTIONS, AND REVISION OF ARREST PROCEDURES. THE ICJ CONCLUDED IN 1977 THAT SUCH MEASURES OUGHT TO BE MORE THOROUGH AND ADVOCATED MORE SEVERE PENALTIES FOR CONVICTED TORTURERS. INCIDENCE OF TORTURE IN MANILA AND CENTRAL LUZON, WHILE NOT ELIMINATED, DECLINED MARKEDLY AFTER 1977.

IN 1979, THE ASSOCIATION OF MAJOR RELIGIOUS SUPERIORS OF
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THE PHILIPPINES OF THE PHILIPPINES (AMRSP) PUBLISHED UNCONFIRMED ACCOUNTS OF TORTURE AND CASES OF SUMMARY EXECUTION OF VICTIMS IN VARIOUS PROVINCES. IN THE ONLY ALLEGED TORTURE INCIDENT IN MANILA, SIX DETAINEES WERE REPORTEDLY MALTREATED BY CONSTABULARY SECURITY PERSONNEL AT A MILITARY CAMP. AN OFFICIAL INVESTIGATION OF THESE CHARGES HAS BEEN ORDERED. IN JANUARY, THREE MILITARY PERSONNEL RECEIVED SIX-MONTH PRISON SENTENCES FROM A MILITARY COURT FOR MALTREATING THREE DETAINEES IN MANILA SIX MONTHS EARLIER. REPORTS OF ABUSES IN DAVAO, SAMAR AND NORTHERN LUZON DURING THE YEAR ARE LINKED TO INCREASED INSURGENT ACTIVITY IN THESE AREAS AND OVER-REACTION BY MILITARY UNITS. RESPONDING TO A PUBLIC APPEAL BY THE ARCHBISHOP OF DAVAO, THE GOVERNMENT CREATED THE THREE-MAN BARBERO COMMISSION, REPRESENTING THE DEFENSE MINISTRY, THE CONSTABULARY AND THE ARMED FORCES, TO CONDUCT INVESTIGATIONS INTO ALLEGED MILITARY ABUSES. AT THE COMMISSION'S PUBLIC HEARING IN DAVAO IN AUGUST, WITNESSES TESTIFIED AGAINST CONSTABULARY PERSONNEL IN THE TORTURE OF A TEENAGER AND THE TORTURE-DEATHS OF TWO CHURCH LAY LEADERS. SIMILAR HEARINGS ARE PLANNED FOR SAMAR AND OTHER AREAS. THE FINDINGS WILL BE SUBMITTED TO THE MINISTER OF NATIONAL DEFENSE FOR APPROPRIATE ACTION.

- B. CRUEL, INHUMAN, OR DEGRADING TREATMENT OR
- PUNISHMENT

CONDITIONS IN PHILIPPINE JAILS ARE POOR, ESPECIALLY IN TERMS OF DIET, OVERCROWDING, AND POTENTIAL FOR ABUSE BY GUARDS. FACILITIES FOR POLITICAL DETAINEES ARE NO WORSE THAN AVERAGE AND MAY SOMETIMES BE BETTER. THE AMRSP THIS YEAR PUBLICIZED SUCCESSFUL HUNGER STRIKES BY

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INMATES IN TWO MINDANAO CITIES FOR BETTER PRISON CONDITIONS. MANILA OFFICIALS ALSO UNDERTOOK MEASURES TO IMPROVE CITY JAILS. MOST PRISONERS HAVE ACCESS TO THEIR FAMILIES AND LAWYERS EARLY IN THE DETENTION PERIOD.

SOME ACCUSED SUBVERSIVES ARE SUBJECTED TO HARSH TREATMENT IN DETENTION. AN EXTREME EXAMPLE IS THE TREATMENT OF JOSE MARIA SISON, THE ALLEGED HEAD OF THE COMMUNIST PARTY OF THE PHILIPPINES/MARXIST-LENINIST WHO WAS ARRESTED IN LATE 1977. SISON RELEASED A STATEMENT TO THE INTERNATIONAL PRESS STATING THAT HE IS STILL HELD INCOMMUNICADO WITH LIMITED ACCESS TO HIS LAWYER, SHACKLED BY HAND AND FOOT DURING WAKING HOURS, AND CHAINED TO HIS BED AT NIGHT TO PREVENT ESCAPE.

PRESIDENT MARCOS HAS SAID PUBLICLY THAT HIS GOVERNMENT WILL NOT CONDONE ABUSES OF CIVILIANS BY MILITARY PERSONNEL. COMPLAINTS, NUMBERING 150 DAILY IN EARLY 1979, INCLUDE ALLEGED MURDER, RAPE, KIDNAPPING AND EXTORTION. IN ADDITION TO CREATING THE BARBERO COMMISSION, THE GOVERNMENT SET UP STANDING PROVINCIAL COMMITTEES COMPOSED OF MILITARY AND CIVILIANS TO RECEIVE COMPLAINTS OF ABUSES. NEW CONTROLS WERE ANNOUNCED ON THE USE OF FIREARMS BY THE CIVILIAN HOME DEFENSE FORCE, MILITIA-TYPE UNITS FREQUENTLY ACCUSED OF MISCONDUCT. SEVENTY OFFICERS AND MEN WERE TRANSFERRED FROM SAMAR IN MAY DUE TO COMPLAINTS BY CIVILIANS. SINCE 1972, SEVERAL THOUSAND MILITARY PERSONNEL WERE REPORTEDLY DISCHARGED FOR VARIOUS OFFENSES.

- C. ARBITRARY ARREST OR IMPRISONMENT

THE PHILIPPINE GOVERNMENT DENIES HOLDING "POLITICAL PRISONERS", THAT IS, PRISONERS OF CONSCIENCE. IT STATES THAT ALL DETAINEES ARE ACCUSED OF SPECIFIC CRIMES. HUMAN RIGHTS GROUPS GENERALLY IDENTIFY POLITICAL DETAINEES AS THOSE ACCUSED OF CRIMES AGAINST THE PUBLIC ORDER, CONFIDENTIAL

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SUCH AS ILLEGAL ASSEMBLY, DISTRIBUTION OR POSSESSION OF SUBVERSIVE MATERIALS, SEDITION, AND REBELLION. IN FEBRUARY, THE GOVERNMENT INDICATED THERE WERE 447 PUBLIC ORDER VIOLATORS IN CUSTODY. CHURCH SOURCES FOR THE LAST TWO YEARS HAVE CONSISTENTLY ESTIMATED 500-1000 POLITICAL PRISONERS.

BY LAW, AN ARRESTED PERSON MUST BE INFORMED OF THE CHARGES AGAINST HIM AND ARRAIGNED BEFORE AN INQUEST AUTHORITY WITHIN 72 HOURS. ACCESS TO LEGAL COUNSEL AND THE FAMILY IS ALSO GUARANTEED BY LAW. THERE CONTINUED

TO BE REPORTS OF ARBITRARY AND OCCASIONAL CLANDESTINE ARRESTS IN 1979. SOME PERSONS HAVE BEEN HELD FOR LONG PERIODS WITHOUT FORMAL CHARGES. IN SEPTEMBER, PRESIDENT MARCOS ANNOUNCED THAT ALL DETAINEES NOT FORMALLY CHARGED WOULD BE RELEASED. HE ALSO GRANTED AMNESTY TO MORE THAN 1500 PERSONS CHARGED WITH VARIOUS CRIMES, BUT IT IS NOT

CLEAR HOW MANY POLITICAL DETAINEES MAY BE INCLUDED IN THIS FIGURE. PERSONS HELD HAVE FEW WAYS OF OBTAINING IMPARTIAL REVIEW OF THE GROUNDS FOR THEIR DETENTION. THE SUPREME COURT HAS HEARD APPEALS FOR HABEAS CORPUS FROM POLITICAL DETAINEES DESPITE THE SUSPENSION OF THE WRIT UNDER MARTIAL LAW. HOWEVER, IN NO CASE HAS THE COURT ORDERED THE RELEASE OF AN ACCUSED SUBVERSIVE.

- D. DENIAL OF FAIR PUBLIC TRIAL

MOST DEFENDANTS CONTINUE TO RECEIVE FAIR PUBLIC TRIALS IN CIVILIAN COURTS. AS OF NOVEMBER 28, 1978 ALL NEW CASES INVOLVING CIVILIANS MUST BE REMANDED TO CIVILIAN COURTS IN THE FIRST INSTANCE, RATHER THAN TO THE MILITARY TRIBUNALS WHICH HAVE HAD JURISDICTION OVER MANY PUBLIC CONFIDENTIAL

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ORDER AND SECURITY OFFENSES DURING THE MARTIAL LAW PERIOD. HOWEVER, THE GOVERNMENT MAY AT ITS DISCRETION REFER SENSITIVE CASES TO MILITARY JURISDICTION. APPROXIMATELY 7,000 CIVILIANS STILL AWAIT RESOLUTION OF PENDING CHARGES IN MILITARY COURTS. IN THE FIRST HALF OF 1979, THE JUDGE ADVOCATE OF THE ARMED FORCES ACTED TO EASE THE BACKLOG BY TRANSFERRING APPROXIMATELY 2,000 CASES TO CIVILIAN JURISDICTION. A SMALL NUMBER OF THESE WERE IDENTIFIED AS PUBLIC ORDER OR SECURITY CASES. IN SEPTEMBER, PRESIDENT MARCOS REITERATED THE GOVERNMENT'S DESIRE TO PHASE OUT MILITARY TRIALS OF CIVILIANS AS SOON AS POSSIBLE, BUT IT IS NOT CLEAR WHETHER NEW PROCEDURES WILL BE INTRODUCED TO ACCOMPLISH THIS.

MOST PRISONERS HELD UNDER MILITARY JURISDICTION HAVE BEEN PERMITTED TO SEE THEIR FAMILIES AND LAWYERS EARLY IN THE DETENTION PERIOD. MILITARY TRIALS ARE PUBLIC, BUT OBSERVERS HAVE BEEN PHOTOGRAPHED. ONCE A PRISONER HAS BEEN CHARGED BY A MILITARY COMMISSION, A JUDGE ADVOCATE IS APPOINTED AS DEFENSE COUNSEL UNLESS THE PRISONER RETAINS HIS OWN ATTORNEY. ATTORNEYS WHO REPRESENT SUCH CLIENTS ARE NOT HARASSED. THE SUPREME COURT MUST AUTOMATICALLY REVIEW ANY CASE IN WHICH A MILITARY TRIBUNAL IMPOSES THE DEATH PENALTY ON A CIVILIAN.

THE 1973 CONSTITUTION GIVES THE SUPREME COURT ADMINISTRATIVE SUPERVISION OVER ALL LOWER COURTS AND THEIR PERSONNEL.

PRESIDENT MARCOS HAS NOT REMOVED ANY SUPREME COURT JUSTICE ALTHOUGH HE HAS CONSTITUTIONAL AUTHORITY TO REPLACE THE JUSTICES BY NAMING SUCCESSORS. HE HAS ALSO MADE LITTLE USE OF THE UNDATED LETTERS OF RESIGNATION HE REQUIRED OF ALL LOWER-COURT JUDGES IN 1972.

- E. INVASION OF THE HOME

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THE PHILIPPINE CONSTITUTION OF 1973 PROVIDES THAT THE RIGHTS OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS AND EFFECTS FROM UNREASONABLE SEARCHES AND SEIZURES SHALL NOT BE VIOLATED AND THAT SEARCH WARRANTS SHALL BE ISSUED ONLY UPON PROBABLE CAUSE AS DETERMINED BY A JUDGE OR SUCH OTHER RESPONSIBLE OFFICER AS MAY BE AUTHORIZED BY LAW. UNDER MARTIAL LAW POWERS, THE PRESIDENT MAY ISSUE AN ARREST, SEARCH AND SEIZURE ORDER ON THE BASIS OF PROBABLE CAUSE WHEN THREATS TO NATIONAL SECURITY OR PUBLIC ORDER ARE INVOLVED. THERE HAVE BEEN ALLEGATIONS THAT SOME ARRESTS WERE MADE WITHOUT PRESENTATION OF THE NECESSARY WARRANT OR ORDER.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT
 - OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE
 - AND EDUCATION

THE PHILIPPINES' FREE MARKET ECONOMY IS BASICALLY AGRICULTURAL, AND IT IS HEAVILY DEPENDENT ON THE EXPORT EARNINGS OF A FEW PRIMARY PRODUCTS. VOLATILE WORLD PRICES FOR ITS PRINCIPAL EXPORTS (SUGAR, COPRA AND COPPER) AND PHILIPPINE DEPENDENCE ON IMPORTED OIL FOR 85 PERCENT OF ITS ENERGY NEEDS SEVERELY LIMIT THE NATION'S ABILITY TO FINANCE DEVELOPMENT. THE GOVERNMENT'S GROWTH WITH EQUITY DEVELOPMENT PLAN APPROPRIATELY EMPHASIZES RURAL DEVELOPMENT AND THE GROWTH OF NEW LABOR-INTENSIVE EXPORT INDUSTRIES, AS WELL AS NUTRITION, HEALTH AND POPULATION CONTROL PROGRAMS. THIRTY PERCENT OF THE CURRENT NATIONAL BUDGET IS DEVOTED TO ECONOMIC AND SOCIAL DEVELOPMENT PROGRAMS, MANY DESIGNED IN COOPERATION WITH INTERNATIONAL LENDERS AND DONORS.

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NATIONAL DEVELOPMENT EFFORTS ARE FOCUSSED ON THE NEED TO IMPROVE THE SHARE OF NATIONAL INCOME FOR THE RURAL POOR. IN RECENT YEARS, THERE HAVE BEEN SIGNIFICANT ACCOMPLISHMENTS IN FOOD PRODUCTION, EXTENSION OF IRRIGATION SYSTEMS, AND THE BUILDING OF RURAL ROADS. THE RURAL ELECTRIFICATION PROGRAM IS REGARDED AS A MAJOR SUCCESS.

UNDER THE 1972 LAND REFORM DECREE, VIRTUALLY ALL RICE AND CORN LAND HOLDINGS ABOVE 24 HECTARES HAVE BEEN REDISTRIBUTED TO TENANT FARMERS. ONLY LIMITED PROGRESS HAS BEEN MADE IN REDISTRIBUTING 7-15 HECTARE UNITS WHICH ARE OWNED LARGELY BY THE MIDDLE CLASS, AND PLANTATION

CROPLAND IS EXEMPT FROM THE LAND REFORM PROGRAM. INCOME DISTRIBUTION HAS HISTORICALLY BEEN HIGHLY SKEWED, AND THE PERCENTAGE OF TOTAL FAMILY INCOME RECEIVED BY THE "BOTTOM 40 PERCENT" HAS INCREASED ONLY marginally IN RECENT YEARS. PROGRESS WILL BE DIFFICULT TO ACHIEVE SO LONG AS THE POPULATION GROWTH, CITED BY OBSERVERS AS THE LARGEST SINGLE CAUSE OF THE WIDESPREAD POVERTY, CONTINUES AT THE HIGH RATE OF 2.8 PERCENT ANNUALLY.

WIDESPREAD AVAILABILITY OF EDUCATION IS A MAJOR FACTOR IN THE UPWARD MOBILITY IN PHILIPPINE SOCIETY. PRIMARY SCHOOLING IS FREE THROUGH GRADE SIX. THERE IS A MAJOR GOVERNMENT PROGRAM FOR SCHOOL CONSTRUCTION IN RURAL AREAS. FEMALES OUTNUMBER MALES AT ALL EDUCATION LEVELS, MAKING UP 71 PERCENT OF THE GRADUATE AND POST-GRADUATE STUDENTS IN THE 1977-8 SCHOOL YEAR. WOMEN ARE ACCEPTED MEMBERS OF ALL PROFESSIONS, ALTHOUGH EDUCATION AND NURSING ARE STILL THE MOST POPULAR CHOICES FOR WOMEN. ABOUT 85 PERCENT OF THE POPULATION IS LITERATE.

IMPROVEMENTS IN HEALTH ARE REFLECTED IN THE INCREASE IN LIFE EXPECTANCY FROM 56 YEARS IN 1970 TO THE CURRENT 60 YEARS. INFANT MORTALITY IS DECLINING. MALNUTRITION AND COMMUNICABLE DISEASES ARE THE MAJOR HEALTH PROBLEMS, AND
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ALMOST HALF OF THE POPULATION LACKS ACCESS TO GENERAL MEDICAL SERVICES. THE SUPPLY AND QUALITY OF HOUSING FOR LOWER INCOME GROUPS IS POOR. SIGNIFICANT PERCENTAGES OF THE EXISTING HOUSING LACK ELECTRICITY, POTABLE WATER, OR SANITARY TOILETS. A 1976 WORLD BANK STUDY CONCLUDED THE FINANCIAL AND PHYSICAL REQUIREMENTS TO FULLY MEET THE NATION'S HOUSING NEEDS EXCEED THE GOVERNMENT'S CAPABILITIES. THIS YEAR THE MINISTRY FOR HUMAN SETTLEMENTS INSTITUTED A MAJOR PROGRAM FOR INTEGRATED COMMUNITY DEVELOPMENT, KNOWN BY ITS ACRONYM "BLISS". IT AIMS TO ESTABLISH MODEL COMMUNITIES THROUGHOUT THE COUNTRY WHICH WILL MEET ELEVEN BASIC NEEDS INCLUDING HOUSING, HEALTH, LIVELIHOOD AND RECREATION. THE LIMITED PUBLIC FUNDS AVAILABLE FOR BLISS, HOWEVER, HINDER RAPID ACHIEVEMENT OF THE AMBITIOUS PROGRAM GOALS.

TRADITIONAL PATTERNS OF CORRUPTION AT ALL LEVELS AFFECT ECONOMIC DEVELOPMENT BY DISTORTING THE EFFICIENT ALLOCATION

OF RESOURCES AND INVESTMENT CAPITAL. MAJOR INDUSTRIES AND BUSINESSES TEND TO BE CONTROLLED BY PERSONS CLOSE TO THE GOVERNMENT. IN LATE 1978, THE GOVERNMENT ACTIVATED A SPECIAL TRIBUNAL TO INVESTIGATE AND PROSECUTE CHARGES OF CORRUPTION AMONG PUBLIC OFFICIALS.

THE PHILIPPINES IS MAINTAINING REASONABLY GOOD OVERALL

ECONOMIC GROWTH RATES. THE PER CAPITA GROSS NATIONAL PRODUCT, NOW \$460, HAS INCREASED AN AVERAGE OF 3.8 PERCENT AFTER INFLATION EACH YEAR DURING 1972-8. AS A RESULT OF 1979 OIL SHORTAGES AND PRICE INCREASES, THE ECONOMY EXPANDED MORE SLOWLY THAN THE ANNUAL AVERAGE OF 6.9 PERCENT OF THE PREVIOUS SIX YEARS.

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3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

- A. FREEDOM OF SPEECH, PRESS, RELIGION AND ASSEMBLY

FILIPINOS ARE RELATIVELY FREE TO SPEAK OUT IN GENERAL TERMS REGARDING GOVERNMENT POLICIES AND SOCIAL PROBLEMS. SPOKESMEN FOR THE POLITICAL OPPOSITION HAVE ACCESS TO THE FOREIGN MEDIA, AND THEY REGULARLY ADDRESS PRIVATE CIVIC ORGANIZATIONS. THEIR CRITICAL STATEMENTS ARE OCCASIONALLY REPORTED BY THE LOCAL PRESS. THE BROAD POWERS OF THE GOVERNMENT UNDER MARTIAL LAW, HOWEVER, INHIBIT PUBLIC CRITICISM, PARTICULARLY ATTACKS ON LEADING OFFICIALS. THERE IS NO FORMAL MEDIA CENSORSHIP. ALL MAJOR NEWSPAPERS AND BROADCAST FACILITIES ARE OWNED BY PERSONS SYMPATHETIC TO THE GOVERNMENT. IN 1979 A WEEKLY NEWSPAPER REGULARLY COVERING OPPOSITION VIEWS CIRCULATED IN MANILA, CEBU, AND DAVAO. THERE ARE NUMEROUS CHURCH PUBLICATIONS FOR LIMITED AUDIENCES, INCLUDING THE AMRSP'S PERIODIC REPORTS ON POLITICAL DETAINEES AND HUMAN RIGHTS ABUSES. IN SEPTEMBER, THE GOVERNMENT CHARGED A FORMER PRESIDENT AND SIX OTHER PERSONS WITH "RUMOR-MONGERING" IN CONNECTION WITH THE TAGALOG EDITION OF A BOOK HIGHLY CRITICAL OF MARTIAL LAW. THE ENGLISH EDITION CIRCULATED IN MANILA FOR SEVERAL YEARS WITHOUT INCIDENT.

RELIGIOUS GROUPS HAVE NEVER BEEN PERSECUTED OR HARASSED BECAUSE OF THEIR DOCTRINAL BELIEFS OR RITUAL. THERE IS CONSTITUTIONAL SEPARATION OF CHURCH AND STATE. IN THE PAST, SOME CHRISTIAN CLERGY HAVE BEEN ARRESTED OR HARASSED FOR POLITICAL OR ALLEGED SUBVERSIVE ACTIVITIES.

PUBLIC DEMONSTRATIONS AND RALLIES WERE BANNED AT THE OUTSET OF MARTIAL LAW IN 1972. OUTSIDE OF ANNOUNCED

"FREE DEBATE" PERIODS PRECEDING REFERENDA OR ELECTIONS,
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THE GOVERNMENT HAS STRICTLY CONTROLLED PERMITS FOR PUBLIC GATHERINGS. UNAUTHORIZED GATHERINGS ARE FREQUENTLY BROKEN UP BY POLICE. IN MAY, POLICE ARRESTED 65 PERSONS

DURING AN UNAUTHORIZED MARCH PROTESTING ECONOMIC CONDITIONS.
ALL EXCEPT ONE WERE RELEASED AFTER A FEW HOURS.

- B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN
- TRAVEL AND EMIGRATION

FREEDOM OF TRAVEL IS GENERALLY RESPECTED. TRAVEL RESTRICTIONS WITHIN THE COUNTRY APPLY ONLY TO THE SULU ARCHIPELAGO AND AREAS OF MINDANAO WHERE INSURGENTS ARE VERY ACTIVE. THESE SAME REGIONS REMAIN UNDER A MIDNIGHT TO 4:00 A.M. CURFEW FOR SECURITY REASONS. THERE IS FREE EMIGRATION. TRAVEL TAXES AND FEES ARE NOT PROHIBITIVE. SOME POLITICAL OPPOSITIONISTS HAVE EXPERIENCED DELAYS IN THE PAST IN OBTAINING TRAVEL DOCUMENTS, BUT THIS HAS NOT BEEN A PROBLEM IN THE LAST YEAR. FORMER DETAINEES IN TEMPORARY RELEASE STATUS NEED GOVERNMENT PERMISSION TO LEAVE THE COUNTRY.

- C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE 1973 CONSTITUTION, ADOPTED A FEW MONTHS AFTER THE DECLARATION OF MARTIAL LAW, INTRODUCED A PARLIAMENTARY SYSTEM OF GOVERNMENT TO THE PHILIPPINES. IN ADDITION TO HIS BROAD MARTIAL LAW POWERS, PRESIDENT FERDINAND E. MARCOS HAS FULL EXECUTIVE AUTHORITY UNDER THE NEW CONSTITUTION DURING A TRANSITION PERIOD OF UNSPECIFIED LENGTH. SINCE 1978, HE SHARES LEGISLATIVE AUTHORITY WITH AN INTERIM LEGISLATIVE ASSEMBLY, IN WHICH THE PRO-GOVERNMENT PARTY ENJOYS AN ABSOLUTE MAJORITY. THE ASSEMBLY AFFORDS USEFUL OPPORTUNITIES TO AIR DIVERSE
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VIEWS ON PUBLIC ISSUES, BUT THE RULES OF PROCEDURE OFFER LITTLE LATITUDE FOR DELEGATES TO CHALLENGE GOVERNMENT POLICIES. THE PRESIDENT HAS NOT ANNOUNCED A TIMETABLE FOR ENDING MARTIAL LAW. IN SEPTEMBER, HE PREDICTED THAT THE ASSEMBLY WOULD SIT FOR SIX YEARS, UNTIL 1984, BEFORE EXERCISING ITS CONSTITUTIONAL RESPONSIBILITY TO CALL ELECTIONS FOR A PERMANENT PARLIAMENT.

ELECTIONS FOR PROVINCIAL AND LOCAL OFFICIALS WERE LAST HELD IN 1971. IN THE INTERIM, PRESIDENT MARCOS HAS REPLACED ABOUT ONE-QUARTER OF THE INCUMBANTS. HE HAS SAID THAT NEW LOCAL ELECTIONS WILL TAKE PLACE BY THE END OF 1980. UNDER MARTIAL LAW, THE BARANGAYS, OR NEIGHBORHOOD COUNCILS, HAVE BEEN EXPANDED AND GIVEN REPRESENTATION ON MUNICIPAL AND PROVINCIAL COUNCILS.

THE GOVERNMENT CONDUCTED FIVE REFERENDA ON ISSUES OF PUBLIC POLICY DURING 1973-1977. IN THE ABSENCE OF REGULAR ELECTIONS, THE PRE-MARTIAL LAW PARTIES LARGELY DISBANDED. (THE COMMUNIST PARTY WAS OUTLAWED IN 1959.)

PRIOR TO THE 1978 ASSEMBLY ELECTIONS, THREE NEW PRINCIPAL PARTIES EMERGED: THE PRO-GOVERNMENT KILUSANG BAGONG LIPUNAN (KBL); THE ANTI-GOVERNMENT LAKAS NG BAYAN (LABAN) IN MANILA; AND THE MILDLY OPPOSITIONIST VISAYAN REGIONAL PARTY, PUSYON BISAYA. THE LABAN TICKET LED BY FORMER SENATOR BENIGNO AQUINO WAS DEFEATED, AMONG WIDESPREAD REPORTS OF VOTE FRAUD. ALL THIRTEEN PUSYON BISAYA CANDIDATES AND ONE MEMBER OF A MINDANAO REGIONAL PARTY WERE ELECTED, AND THE KBL WON THE REST OF THE ELECTED ASSEMBLY SEATS. THE GOVERNMENT CONDUCTED ELECTIONS FOR TWO REGIONAL ASSEMBLIES IN MAY, 1979, AS PART OF ITS COMMITMENT UNDER THE 1977 TRIPOLI AGREEMENT TO GRANT A MEASURE OF AUTONOMY TO THE MUSLIM POPULATION. A COALITION OF KBL AND LOCAL PARTY CANDIDATES WAS ELECTED, AND THE CONDUCT OF THE ELECTIONS WAS NOT CHALLENGED. HOWEVER, MUSLIM INSURGENT ORGANIZATIONS
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REFUSED TO PARTICIPATE.

THERE IS UNIVERSAL SUFFRAGE FOR CITIZENS OVER AGE EIGHTEEN. WOMEN PARTICIPATE ACTIVELY IN PUBLIC AFFAIRS AS VOTERS AND GOVERNMENT OFFICIALS. HISTORICALLY, FEW WOMEN HAVE ACHIEVED MAJOR ELECTIVE OFFICES. ONE SUPREME COURT JUSTICE IS A WOMAN, AND THERE ARE TWO FEMALE CABINET OFFICERS. PHILIPPINE CULTURE RELIES EXTENSIVELY ON FAMILY TIES AND PATRON-CLIENT RELATIONSHIPS, AND COMMUNITY ORGANIZATIONS ARE NOT GENERALLY WELL-DEVELOPED.

THE GOVERNMENT ENCOURAGES TRADE UNIONISM AND COLLECTIVE BARGAINING, ALTHOUGH THE DOMINANT TRADE UNION CONFEDERATION RARELY OPPOSES GOVERNMENT POSITIONS. THERE ARE NEARLY 2,000 REGISTERED COLLECTIVE BARGAINING AGREEMENTS FREELY NEGOTIATED BETWEEN THE PARTIES. A GOVERNMENT BAN ON STRIKES IN "VITAL" INDUSTRIES IS OFTEN IGNORED. LEGALLY REGISTERED TRADE UNIONS IN THE PAST THREE YEARS FILED OVER 453 NOTICES OF INTENT TO STRIKE AND CONDUCTED OVER 121 STRIKES WITHOUT PENALTY. THE GOVERNMENT BECOMES INVOLVED AS A CONCILIATOR OR COMPULSORY ARBITRATOR ONLY WHEN A STRIKE OR STRIKE THREAT OCCURS. MANY RURAL PLANTATION WORKERS ARE NOT REPRESENTED BY A LABOR ORGANIZATION. ALTHOUGH LEGISLATION, SUCH AS MINIMUM WAGE LAWS, EXISTS TO PROTECT THESE WORKERS, ENFORCEMENT IS VERY LIMITED.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTER-
- NATIONAL AND NON-GOVERNMENT INVESTIGATION OF
 - ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE PHILIPPINE GOVERNMENT HAS COOPERATED WITH OUTSIDE OBSERVERS INTERESTED IN THE STATUS OF HUMAN RIGHTS AND
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HAS FACILITATED THEIR CONTACTS WITH DETAINEES. THE GOVERNMENT DOES NOT INTERFERE WITH THE ACTIVITIES OF THE AMRSP AND ITS TASK FORCE ON DETAINEES WHICH PREPARES LISTS OF POLITICAL DETAINEES AND REPORTS ALLEGED ABUSES. TEAMS FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS INSPECTED PHILIPPINE DETENTION CENTERS IN 1973, 1974 (TWICE), 1976 AND 1978. AMNESTY INTERNATIONAL ISSUED A CRITICAL REPORT IN 1976 BASED ON THE FINDINGS OF A MISSION TO THE PHILIPPINES A YEAR EARLIER. REPRESENTATIVES OF THE INTERNATIONAL COMMISSION OF JURISTS VISITED THE COUNTRY IN 1975 AND AGAIN IN 1977 WHEN THEY ISSUED A STRONGLY CRITICAL REPORT ON THE STATUS OF CIVIL AND POLITICAL RIGHTS. THE PHILIPPINE GOVERNMENT HAS DISCUSSED HUMAN RIGHTS QUESTIONS WITH REPRESENTATIVES OF THE U.S. GOVERNMENT INCLUDING CONGRESSIONAL AND EXECUTIVE BRANCH VISITORS. IT HAS ALSO PUBLICLY INVEIGHED AGAINST WHAT IT CONSIDERS TO BE INTERFERENCE IN ITS INTERNAL AFFAIRS AND ALSO CRITICIZED FOREIGN PRESS COVERAGE OF ABUSES WHILE ALLOWING FOREIGN MEDIA VIRTUALLY FREE ACCESS.

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